

Message Text

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C O N F I D E N T I A L ATHENS 0351

E.O. 11652: GDS

TAGS: PGOV GR

SUBJ: NEW CONSTITUENT ACT ELIMINATES TENURE FOR CERTAIN
CIVIL SERVICE CATEGORIES

1. CONSTITUENT ACT NO. 4, EFFECTIVE JANUARY 14, CARRIES
STATED AIM OF "RENEWING AND MODERNIZING BOTH CIVIL SERVICE
AND PUBLIC CORPORATIONS." PRINCIPAL ELEMENTS INCLUDE:

A. HIGH-RANKING GOVERNMENT EMPLOYEES, SPECIAL
GRADES A AND B (E.G. MONARCHS, GENERAL SECRETARIES OF
MINISTRIES, ETC.), MAY BE DISMISSED UPON PROPOSAL OF
PRIME MINISTER AND CONCURRENCE RESPONSIBLE MINISTER;

B. COUNCIL OF MINISTERS (ACTING UPON RECOMMENDATION
OF COMPETENT MINISTER) MAY DISMISS CIVIL SERVANTS OF
GRADE 1 (HIGHEST RANKING GRADE IN CIVIL SERVICE) WHETHER
SUCH EMPLOYEES ARE SERVING IN MINISTRIES, PUBLIC LEGAL
ENTITIES, MUNICIPALITIES OR PARLIAMENT;

C. ANY CONTRACT FOR PERSONAL SERVICES WITH THE
STATE (NEGOTIATED EITHER UNDER PUBLIC OR PRIVATE LAW)
MAY BE TERMINATED BY JOINT DECISION OF PRIME MINISTER
AND COMPETENT MINISTER;

D. TERMS OF OFFICE OF BOARDS OF DIRECTORS OF PUBLIC
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LEGAL ENTITIES, STATE ENTERPRISES OR STATE FOUNDATIONS
OR ANY PRIVATE LEGAL ENTITY FINANCED IN ANY WAY BY THE

STATE MAY BE ANNULLED. SIMILARLY, TERMS OF OFFICE OF ANY INDIVIDUAL MEMBERS OF SUCH GROUPS MAY BE TERMINATED.

E. VACANCIES CREATED EITHER NORMALLY OR BY TERMINATION OF INCUMBENT MAY BE FILLED BY DECISION OF COUNCIL OF MINISTERS UPON RECOMMENDATION OF COMPETENT MINISTER WITHOUT ANY OTHER FORMALITY BY A DECREE.

F. MEMBERS OF COUNCIL OF MINISTERS, UNDER SECRETARIES AND GENERAL SECRETARIES MAY HOLD POSITIONS (ALTHOUGH EXERCISE SUCH DUTIES ARE SUSPENDED) IN OTHER STATE OR PUBLIC UTILITY ENTERPRISES;

G. NO DISMISSAL OR TERMINATION EXECUTED IN ACCORDANCE WITH ABOVE PROVISIONS MAY BE APPEALED BEFORE COUNCIL OF STATE NOR MAY A SUIT BE BROUGHT FOR COMPENSATION BEFORE ANY REGULAR COURT.

2. PERIOD UNDER WHICH NEW CONSTITUENT ACT MAY OPERATE IS SET FOR ONE YEAR.

3. COMMENT: CONSTITUENT ACT GIVES CURRENT REGIME BROAD POWERS TO HOUSECLEAN AND WEED OUT FORMER MEMBERS OF PAPADOPOULOS' REGIME. FACT THAT DISMISSED CIVIL SERVANTS CANNOT APPEAL IS HEAVY-HANDED USE OF "REVOLUTIONARY POWERS." ON ITS FACE ACT ALSO APPEARS VIOLATE 1968/73 CONSTITUTION, ARTICLE 125. TASCA

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